

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

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|--------------------|---|-------------------------|
| IN RE: |) | Case No. 16-03686-5-SWH |
| |) | |
| KING DAN RIVES |) | Chapter 13 |
| MARYDEL HART RIVES |) | |
| Debtors. |) | |
| _____ |) | |

SECOND MOTION FOR EXTENSION OF FILING FEE PAYMENT SCHEDULE

NOW COME the Debtors, by and through their undersigned attorney, and move the Court for an Order extending time for paying the chapter 13 filing fee by installment, pursuant to Bankruptcy Rule 1006(b) and Local Rule 1006-1(c). In support thereof, the Debtors show as follows:

1. The Debtors filed the above captioned Chapter 13 Bankruptcy case on July 15, 2016.
2. The Court granted installment payments for the filing fee by order dated July 18, 2016. Pursuant to such order, that fee was due September 8, 2016. By previous order of the court, this time was extended to November 11, 2016, and by operation of Rule 9006 to November 14, 2016 on account of the public holiday.
3. The Debtors mailed a money order to counsel's PO box on or around November 10, 2016, which would have ordinarily arrived in time for payment on November 14, 2016 via CM/ECF. Such has not arrived.
4. Debtors seek a 14-day extension of time on the filing fee payment, up to and including November 28, 2016. This time will allow either the payment to arrive, or facilitate investigation into its status and replacement.
5. The foregoing is cause to extend the time to pay the filing fee, as the term cause is contemplated by Rule 1006(b)(2). November 28, 2016 falls within the 180-day period provided by that rule, which runs to January 11, 2017 in this case.

WHEREFORE, the Debtors respectfully move the Court as follows:

1. For an order extending the time to pay the chapter 13 filing fee, providing that it be due in full on or before November 28, 2016, or such other date ordered by the Court; and
2. For such other relief as the Court deems just and proper.

Respectfully submitted, this the 15th day of November, 2016

s/ Erich M. Fabricius
Erich M. Fabricius, NC State Bar No. 39667
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached motion, was served this day on the following parties:

John F. Logan
Chapter 13 Trustee
(electronic notice via CM/ECF)

This 15th day of November, 2016

s/ Erich M. Fabricius